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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 April 1998, at 9 p.m.

Chairman: Mr. GALLEGOS CHIRIBOGA (Ecuador)
(Vice-Chairman)

later: Mr. SELEBI (South Africa)
(Chairman)

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In the absence of Mr. Selebi (South Africa), Mr. Gallegos Chiriboga (Ecuador), Vice-Chairman, took the Chair.

The meeting was called to order at 9.p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

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(agenda item 9) (continued) (E/CN.4/1998/45-48, 49 and Add.1, 50, 51, 52 and Add.1, 53 and Add.1 and 2, 54 and Add.1, 116, 118, 138, 151 and 157; E/CN.4/1998/NGO/3, 24 and 69-71; E/CN.4/Sub.2/1997/28; A/52/469 and Add.1)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1998/92-97 AND 158; A/52/489)

1. Ms. SAÏDI (International Federation of Women in Legal Careers) said that in her own country, the Islamic Republic of Iran, gender discrimination continued unabated. Women were not allowed to serve as judges, to run for President, to choose their own attire, or to travel abroad without their husband's permission. They were barred from many educational positions, denied equal rights of testimony and inheritance, and the right to divorce, except under very special circumstances.

2. Although gender apartheid was entrenched in the outlook of those ruling her country and was enshrined in the Constitution, in the international arena the regime tried to conceal that fact. Its claim that four women judges had been appointed was not true: in reality, the four women only acted as judicial consultants. A number of the highest Iranian officials had recently made statements clearly reflecting their gender bias. An international study had revealed that in terms of the number of professionally qualified women Iran ranked 108th among the 110 countries reviewed. Women were subjected to brutal repression, including arbitrary arrest and beating for offences against the "Dress Code". The Iranian Government had made no attempt to change its gender-biased policies, and she urged the Commission to adopt a substantive draft resolution condemning it in the strongest terms.

3. Ms. ROBERTS (Lutheran World Federation), also speaking on behalf of the World Christian Life Community, and in consultation with the Jesuit Refugee Service and the United Kingdom Save the Children Fund, said that

over 90,000 Bhutanese refugees, almost entirely of Nepali ethnicity and expelled from 1991 onwards under the discriminatory policies of the Bhutanese Government, were still living in camps in eastern Nepal. Negotiations between the two Governments about the refugees, which had begun in 1993, had made little progress and had been at a standstill since July 1997. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted a resolution on the subject (1997/31), and one of its independent experts, expressing the hope that negotiations would be resumed as soon as possible, had urged the Commission to assess progress, and the international community to provide technical assistance in achieving a fair and satisfactory solution. A representative of the Nepalese Government had repeated that plea at the opening of the current session of the Commission. However, a major obstacle to progress was the discriminatory policies of the Bhutanese Government. The organizations for which she spoke reiterated that plea.

4. Mr. JAKA (International Federation of Human Rights Leagues) said that, in view of the extent and gravity of the violation of women's human rights, his organization called for a separate agenda item to be assigned to the question by the Commission. Violence against women should also, in parallel with the work of the Special Rapporteur, be more systematically covered in the reports of thematic or geographical bodies established by the Commission. In many countries, particularly Afghanistan, such violence was not only physical but took the form of restrictions on freedom of movement, and deprivation of the right to education and access to medical care. Afghan women, particularly in zones occupied by the Taliban, had almost entirely disappeared from public life and were subject to rigorous legal segregation. They were obliged to wear the *burka*, were forbidden to wear their hair mid-length and to wash their clothes in certain places, and were liable to be beaten if they infringed such rules. The only educational access for girls was to fundamentalist Koranic teaching, and then only up to the age of nine. Women were forbidden to consult male doctors, and since women doctors were extremely rare, they were in effect denied access to medical treatment. Conjugal violence was encouraged by laws making men responsible for offences committed by their wives. Severe violations of human rights such as torture, flogging and stoning to death were also practised on women suspected of what were considered crimes by the Taliban. Recalling that 26 of the teams, including that of Afghanistan, participating in the 1996 Atlanta Olympic Games had consisted exclusively of men, and that women had been segregated in the Teheran Islamic Games, his organization called on States to ensure full participation of women in the forthcoming Olympic Games in Sydney as a symbol of the struggle against discrimination.

5. Mr. KIRUBAKARAN (International Educational Development) said that discussion by the Commission of the important issue of mass movements of people under three different agenda items deprived it of proper focus. The situation of the hundreds of thousands of displaced persons throughout the north and east of Sri Lanka had deteriorated since the 1994 report by the Special Representative (E/CN.4/1994/44/Add.1). The Commission, and the international community in general, must press the Sri Lankan Government to fully comply with the 1949 Geneva Conventions and provide for the basic subsistence needs of the displaced Tamil population; it would otherwise incur

the charge of failure to carry out its obligations under humanitarian law. The Commission should also urge that a negotiated settlement of the Sinhala-Tamil war be promptly reached under international supervision.

6. In Myanmar, the military forces had recently attacked the Karen population, which had been subjected to forced relocation and destruction of their villages throughout 1997. The newly reconstituted but illegal regime, ironically calling itself the "State Peace and Development Committee", persisted in its policies in grave breach of the Geneva Conventions and should be refused recognition by the United Nations and the right to participate in United Nations activities. And the Commission should recommend that urgent action be taken on behalf of those displaced. Mention must also be made of the displaced persons facing starvation in Burundi and southern Sudan, where cluster bombs were reported to have been used against camps.

7. Mr. KALATTAS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that, as a result of the 1974 Turkish invasion and occupation, one third of the Greek Cypriot indigenous population had been forced to abandon their ancestral homes and continued to be refugees in their own country. The demographic character of the territory under Turkish occupation had been radically changed not only by expulsion of the Greek Cypriots but also through the forced emigration of some 50,000 Turkish Cypriots and their replacement by an estimated 100,000 colonists from Anatolia, as had been confirmed by a 1991 investigation by a Spanish parliamentarian, authorized by the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe. Turkey's policy of colonization, which was in contravention of the Geneva Conventions and the 1977 Protocol, and its oppressive acts against both Greek and Turkish Cypriots also violated the European Convention on Human Rights. The withdrawal of the settlers had been called for by the United Nations, the European Parliament, the Council of Europe, the Commonwealth and other international organizations. He appealed to the Commission not to tolerate any longer the flouting of human rights and conventional obligations by the occupying power in Cyprus.

8. Ms. LIELL (Asian Cultural Forum on Development) said that the Forum wished to present the views of the Asia/Pacific Human Rights NGO Facilitating Team, a coalition of over 200 NGOs of the region, on the proposed regional arrangements for the protection and promotion of human rights. The admittedly marked social, cultural, political and religious differences among States in the region should not be cited as obstacles to reaffirming the universality of human rights. NGOs had noted with dismay the attitude of some States to a host of international human rights instruments. Although, for example, the right to development was widely recognized, attempts were made to confine it to economic development, and some Governments of the region had either not ratified the International Covenant on Economic, Social and Cultural Rights or failed to submit periodic reports to the Committee.

9. The Facilitating Team welcomed progress on the regional arrangements, but believed that only a consultation process involving both Governments and civil society actors was capable of taking the diversity and complexity of the region fully into account. The establishment of subregional mechanisms could not supersede existing international human rights instruments and must not

lower their standards. No so-called "Asian" system of government, culture and traditions should be used as a pretext for the preservation of authoritarian regimes and the violation of human rights. A regional commission must have jurisdiction to conduct fact-finding missions, examine the reports of States parties and receive complaints. It should be composed of independent experts, appointed in consultation with NGOs; its meetings and reports should be accessible to the public. A separate court on human rights should have power to adjudicate complaints and enforce its decisions. States parties should provide adequate budgets for the effective functioning of such mechanisms, and establish adequate national institutions to enforce human rights and humanitarian law standards. The regional arrangements should be regarded by States as an opportunity to work with NGOs in order to develop new and more effective methods for remedying human rights abuses.

10. Mr. SELEBI (South Africa) took the Chair.

11. Ms. KYU (Catholic Institute for International Relations) said that the women of her own country, Myanmar, were suffering multiple abuses of their civil, political, economic, social and cultural rights, often associated with the ethnic cleansing operations known as the "Four Cuts Campaign". During the past year, thousands of women and children had been driven from their homes and farms and forced to work as porters in war zones, often being subjected to rape and other atrocities. Many citizens had also been displaced by infrastructure projects funded by foreign investments, and many others had been subjected to forced labour. More than 81 per cent of the 1 million internally displaced persons were women and children. Even those who escaped to neighbouring countries were often subjected to human rights violations by Myanmar and allied troops. She urged the Commission to adopt a resolution on the human rights situation in Myanmar, emphasizing gender-based persecution. The international community should call for: the restoration of a civilian, democratically-elected Government; an immediate halt to violations of women's rights by the State Peace and Development Committee; the holding to account of those responsible for human rights violations; the investigation of reports of rape and other forms of violence against women; and the bringing to justice of the perpetrators.

12. Mr. TANAKA (Parliamentarians for Global Action) expressed strong agreement with the emphasis placed in the Special Rapporteur's report on the necessity for an investigation into violence against women perpetrated by the Japanese during the Second World War. That necessity was not, however, recognized by the Japanese Government. There had been a similar inadequate response to demands by families of Chinese victims for apologies and compensation for experiments on the human body performed during the war, and to demands by the Korean Government that historical facts should be clearly stated. Accordingly, he intended to submit a bill to the Japanese Parliament establishing an investigative body: to examine the process leading to the Second World War; to inquire into wartime atrocities committed by the Japanese; and to consider compensation for wartime victims. Although many Japanese politicians believed that Japan had adequately apologized to all the countries concerned, he believed that his bill would be passed. He hoped that his organization would continue to receive assistance and information from the United Nations, from individual countries and from within Japan itself in its efforts to establish the truth.

13. Mr. UK HNIN (International Peace Bureau) said that, while accepting that the United Nations agencies concerned were reasonably well-equipped to collaborate in action on the very serious issue of internal displacement, he believed that there was still room for improvement, for example, by increasing country-assessment visits and placing more adequate human and material resources at the disposal of the Representative, who had played a major role in developing a set of guiding principles. Myanmar, where there were estimated to be 2 million internally displaced persons, was in particularly urgent need of international protection and assistance. In order to deny rebels information and resources, the military Government was forcibly relocating civilians closer to cities or military camps, where they were forced to perform manual work, plant crops or serve as porters in front-line areas. As a result of the terrorist activities of the military, thousands of villagers had fled to the jungles and hills, where they not only suffered severe deprivation but lived in constant fear of death or capture. The Representative of the Secretary-General should be mandated to make an investigatory visit to Myanmar at the earliest possible date. It was to be hoped that such a visit would have a positive influence on the situation and prepare the way for the provision of protection and assistance to the internally displaced.

14. Mr. KOHLI (European Union of Public Relations) said that internal displacement was inflicting psychological as well as physical distress on some communities. In the area of Sindh in Pakistan, Mohajirs were victims of both religious and political intolerance. Upon the partition of India in 1947, they had migrated as Muslims to the newly-created Pakistan, where they had never been accepted as equal citizens. They were not only denied assimilation but were persistently discriminated against. A number of human rights organizations, including Amnesty International and Asia Watch, had indicted the Government of Benazir Bhutto for the extrajudicial killing of thousands of Mohajirs in Karachi under the pretext of combating terrorism. The World Federation of Democratic Youth had reported to the Commission's last session that at least 1 million of them had been reduced to destitution, and, since 1992, more than 15,000 had been tortured, extrajudicially killed or maimed for life. Large numbers of their women and girls were also reported to have been raped by the security forces and their allies. Another situation of displacement had resulted from the annexation by Pakistan in 1947 of the Northern Areas, where the people were denied the basic right of self-government, or even appeal to a higher court. His organization urged the Commission to ask the special rapporteurs, treaty bodies and the Representative of the Secretary-General to inquire into the conditions of people who, if not displaced in a strictly physical sense, were suffering the psychological and environmental effects of displacement.

15. Mr. GUPTA (International Institute of Non-Aligned Studies) expressed his organization's appreciation of the Commission's efforts on behalf of internally displaced persons. As a result of internal turmoil and conflict between religious and ethnic communities in many countries, it was estimated that some 24 million persons could be classified as internally displaced - a number far exceeding those who fell under traditional definitions of refugees. Only comparatively recently had there been recognition of that problem, followed by the appointment in 1992 of a Representative of the Secretary-General for such persons residing in the Sudan, South Africa and

Mozambique, among other countries. But no international organization had as yet been assigned general responsibility for dealing with such unfortunates. Their welfare had been traditionally believed to be the responsibility of the States concerned, but they were often unable or unwilling to shoulder that responsibility. Although in 1993 the Executive Committee of the United Nations High Commissioner for Refugees had decided to extend protection and assistance to that category, they had increasingly fallen outside the Commissioner's mandate. His organization urged the Commission to recognize that the succour and protection of displaced persons must be coupled with action to prosecute those responsible for their displacement, including those who allowed armed groups to proliferate and drive out entire communities.

16. Ms. GIRI (International Institute for Peace) said that she wished to draw the Commission's attention to the anomalous position of some 2 million people living in the Northern Areas of Pakistan, who were not recognized as forming part either of that country or of Pakistan-occupied Kashmir. They were in effect displaced persons in their own homeland, since they had no citizenship rights. They were impoverished, their basic needs were ignored, their demographic character was being changed, and they were suspect in the eyes of the authorities. Her organization wished, through the Commission to urge the Representative of the Secretary-General to investigate their situation and take steps to alleviate their position.

17. She also wished to draw the attention of the Commission to the sufferings of the ethnic Nepalese expelled from Bhutan in 1990, almost 100,000 of whom were living in refugee camps in eastern Nepal. She urged the Commission to initiate the necessary steps for their return to their homeland in dignity and with full guarantees of the enjoyment of their human rights and security.

18. Ms. TOM (Caritas Internationalis), also speaking on behalf of the Friends World Committee for Consultation (Quakers), expressed appreciation for the work accomplished since 1992 by the Representative of the Secretary-General on internally displaced persons, including his latest report to the Commission. The "Compilation of legal standards and analysis of legal norms", shortly to be published by the Office of the High Commissioner (E/CN.4/1996/Add.2), had been updated by the Representative and formed part of his important contribution to the development of a legal framework for the protection and assistance of internally displaced persons. However, compilations needed to be supplemented by practical publications for the use of those in the field such as the "Guiding principles on internal displacement" (E/CN.4/1998/Add.2, annex), which deserved wide dissemination. She also welcomed the establishment of a database on internal displacement, to which should be added a breakdown of children by ages to ensure that the needs of the particularly vulnerable were not overlooked. In the absence of a single agency responsible for internally displaced persons, she supported the creation of focal points within relevant organizations and agencies, and wider use of regional frameworks where appropriate. The mandate of the Representative should be renewed for a further three years. To facilitate visits by representatives of the Commission, she urged Governments to extend open-ended invitations.

19. Ms. SHIN (World Alliance of Reformed Churches) said that her organization, together with the World Council of Churches, was deeply concerned about violence against women, particularly in wartime. The two organizations greatly appreciated the contribution of the Special Rapporteur through her field visits to Korea and Japan in 1995 and her subsequent report on sexual slavery inflicted by the Japanese military (E/CN.4/1996/53/Add.1). She reminded the Commission of the Special Rapporteur's six recommendations, namely, that there should be: acknowledgement of the system of "comfort women" as a violation of international law, and acceptance of legal responsibility; compensation for individual victims; full disclosure of related documents; a public written apology; amendment of curricula; and punishment of perpetrators. The Japanese Government, however, did not accept the fact that the system was a violation of international law, nor was it willing to admit legal responsibility for it. Those were the points most important to the victims, and explained why the majority were rejecting the Asian Women's Fund, set up by Japan to avoid State responsibility. In the meantime, victims were continuing to die, the last words of one being "No to the private fund". The organizations for which she spoke welcomed the December 1996 decision by the United States Government to ban the entry of Japanese war criminals on to American soil, and the similar decision made by the Government of the Republic of Korea in 1997. They also hoped that the current discussions on the International Criminal Court would lead to the classification of violence against women during wartime as a war crime.

20. Mr. SHIMOJI (World Federation of Trade Unions) said that the Okinawa prefecture comprised a population of 1,280,000 people living on its 48 inhabited islands. During the savage battle for Okinawa in 1945 more than 200,000 people had lost their lives. Since that time the United States had continued to occupy the islands, and under the 1951 San Francisco Treaty Okinawa had been detached from Japan and placed under the control of the United States military, although it had reverted to Japan in 1972. Some 75 per cent of all military installations for the exclusive use of the United States forces in Japan were still concentrated there: the United States military facilities occupied 11 per cent of the total area, and 20 per cent of the main island. Crimes and accidents associated with those massive military bases were endangering the lives and property of the Okinawan people, the most notorious case being the abduction and rape of a young schoolgirl by three United States servicemen in 1995. In order to ensure a brighter future for the younger generation in the twenty-first century, his organization earnestly sought the reduction and realignment of the United States bases.

21. Mr. PARY (Indian Movement "Tupaj Amaru") said that although it had taken two world wars to convince the international community of the urgent need to draw up a bill of human rights in order to "preserve future generations from the scourge of war", the adoption of the Universal Declaration on 10 December 1948 had marked a major step forward in the history of mankind. It had symbolized the victory of the value of the human person, his liberty and his dignity over Nazi totalitarianism founded on racial segregation and total contempt for the right to life. The concept of the universality, indivisibility and interdependence of human rights had often been contested, and as often defended, but it could be said with certainty that in practice there was a double morality: the experience of half a century had shown that

the Declaration was applied selectively and in a discriminatory fashion to the peoples of the third world, particularly minorities and indigenous peoples, who were more than ever being deprived of their basic rights, despoiled of their lands, and condemned to extreme poverty.

22. The architects of the Declaration had not been concerned with the situation of indigenous peoples, who were thus excluded from the international community. Such violations were with increasing frequency practised against them under the guise of reasons of State, of an alleged threat to national sovereignty, or of interference in internal affairs. The interpretation of the violation of human rights as a "domestic" matter that could be freely practised so long as it did not threaten international peace and security was inadmissible. The major Western Powers, above all the United States, were conducting a sort of human rights diplomacy either in justification of their selective policies or in order to denounce governments not conforming to their conception of human rights. They sometimes misused the human rights question in North-South relations as a political and diplomatic weapon or for the subversion or destabilization of a sovereign State by economic blackmail or political pressure. The Declaration could only be universal if it was opened to all peoples without distinction or discrimination, particularly minorities and indigenous peoples at present excluded from the so-called universal community and exposed to flagrant and systematic violations of their basic rights.

23. Mr. LEON (International Indian Treaty Council) said that the mission to Guatemala in late 1997, requested in Commission resolution 1997/51, had performed its task admirably and had interviewed various human rights organizations and representatives of the Maya people. It was therefore a matter for great regret that the report of the mission had not been distributed to NGOs in time for consideration at the current session. Guatemala was making the difficult transition from military dictatorship, which had lasted from 1954 to the end of 1996, to government under the rule of law. A long process of re-education would be necessary to rebuild the communities of indigenous peoples, most of whom continued to be intimidated by the actions of the army and paramilitary gangs. The peace process and the development of respect for human rights had not yet been consolidated, and, although one section of President Arzú's Government had the necessary political will, there still existed groups bent on permanent destabilization. The indigenous peoples, who fully supported the creation of the new multicultural and multilingual State and nation, earnestly hoped that the international community, in particular the Commission, would not abandon them during that crucial transitional period, and would continue to provide advisory and support services and to conduct its country review. Past experience had shown that the neutralization of ultra-conservative forces depended on the investigations conducted and vigilance exercised by the United Nations.

24. Ms. SCHENSE (Human Rights Watch) said that the Commission's system of special rapporteurs and working groups had proved effective in drawing attention to human rights violations, and had contributed to the reduction of suffering and the enforcement of international human rights law. All too often, however, the findings and recommendations presented to the Commission had not been acted on. The most dramatic example was constituted by the

recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions in Rwanda in 1993, which might have spared many lives had the international community responded in a timely and appropriate manner. Her organization therefore supported the Secretary-General's suggestion that the excellent human rights information available to the United Nations should be used as a diagnostic tool and an early-warning system, and agreed with the stress he had place on the need for the international community to summon the political will to act expeditiously. It asked the Commission to consider: placing the mandates of the thematic special rapporteurs and working groups on a permanent footing by establishing all such mandates as open-ended; fostering open and constructive discussion of the results of Special Rapporteurs' investigations during Commission sessions and throughout the year; giving the mechanisms more authority to find facts in individual cases; and providing more resources to human rights mechanisms.

25. Ms. AVALLA (Women's International Democratic Federation) congratulated the Special Rapporteur on her report on violence against women and expressed the hope that the shocking testimony it contained would serve to halt the sufferings to which millions of women were subjected. Regrettably, it had not proved possible for the Special Rapporteur to visit Afghanistan, where women were suffering every kind of violation and total denial of their rights. The violence suffered by women in detention called for the immediate attention of the international community.

26. In Turkey, the International Committee of the Red Cross had been refused permission by the Government to visit female prisoners. In April 1988, the President of the Human Rights Commission of the Turkish parliament had denounced the systematic practice of torture. That situation was intolerable, especially for Kurdish detainees. To attract world attention two female detainees had burnt themselves alive. There was also a deplorable practice of exhibiting the bodies of murdered women combatants in the public streets as a deterrent to the population. Every year there were new denunciations of those offences, but in spite of their intolerable nature, no effective mechanism to avert them appeared to exist.

27. In Peru, there had been no improvement in the conditions of women prisoners, over 70 per cent of whom reported torture and sexual violation. One of the most serious cases was of a woman who had suffered the loss of her sight and mental capacity while in the police hospital.

28. In the Islamic Republic of Iran there had, in spite of the assertions of the new Government, been no change in the situation of women, whose rights continued to be limited as before and the practice of stoning to death persisted. Any decisions affecting their lives, such as the right to work, were taken by the men of the family, and women were often arrested for offences against the "dress code". The Special Rapporteur should be given the opportunity to visit and review such cases in the countries mentioned.

29. In Colombia, the so-called "Convivir" operations had inflicted great suffering on displaced women, many of whom had been murdered with their children. It was regrettable that an expression of concern about that situation had not been included in the High Commissioner's statement.

30. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that globalization, spearheaded by multinational enterprises seeking the lowest possible production costs, had led to the decentralization of production through a network of small and medium-sized subcontractors, thus opening the way to a number of abuses - psychological violence, sexual harassment, and denial of the right to just and favourable conditions of work - for many women workers, who represented a high proportion of the labour force in the sectors most concerned. The accompanying deregulation had encouraged the growth of a dual labour market with a stable, skilled "core" labour force, usually male, and a "peripheral" workforce, usually female, often part-time and temporary, without proper protection or benefits. The export processing zones, where foreign investors had sought to take advantage of the low pay and manual dexterity of women workers, often exposed women to discrimination and such hardships as compulsory overtime and nightwork. The continued use of young girls in subcontracted and home work could only be eliminated by a global campaign to reduce family poverty, increase access to primary education and implement laws on minimum age for employment. A serious problem for younger women in Central and Eastern Europe had been the closure of child-care facilities as a result of privatization. His organization therefore requested the Commission to urge Member States to develop national action plans to promote the protection or women against violence and discrimination, and to ratify the relevant ILO Conventions, particularly Nos. 100, 111 and 156. It also requested the Special Rapporteur to make a further study of the impact of globalization on women's employment and equality.

31. Ms. ALI (Afro-Asian People's Solidarity Organization) said that according to the recent report by the Human Rights Commission of Pakistan, sectarian intolerance in 1997 had been the worst for several years: 165 persons had been killed, mostly in Punjab, and there had been sectarian violence, particularly against Ahmadis, several of whom had been subjected to extrajudicial execution, long terms of imprisonment and heavy fines for blasphemy. Christian settlements had also been attacked. Pakistani women remained the most severely oppressed section of society. Hundreds died every year in "karo kari" ritual killings, carried out with police connivance, following allegations of illicit relationships. As had been pointed out by a previous speaker, the Northern Areas of Pakistan were unique in being neither a part of a country nor a country itself. In spite of the abundant natural resources of the Areas, the people living there were reduced to dire poverty and subjected to discrimination. While, on the one hand, the State professed its desire for reform, representatives of extremist organizations were openly advocating jihad with the objective of replacing democratic government by the rule of Islamic law.

32. Mr. ALI KHAN (International Progress Organization) said it was a sad and paradoxical fact that, in the fiftieth anniversary year of the Universal Declaration, more than 30 million people were being denied the enjoyment of their human rights in their own homes and were reduced to the status of refugees in their own countries. Afghanistan was currently witnessing the horrifying spectacle of thousands of displaced persons, driven from their homes by the Taliban, and of women being denied access to employment and education. The identity of the State supplying the support and resources for that repressive force was known to all.

33. Pakistan was also responsible for keeping the people of the Northern Areas in a condition of statelessness, and paralysing economic development while exploiting the natural resources of the region as a colonial Power. That was a clear case of a population without effective means of its own to protect itself and in urgent need of active intervention by the Centre for Human Rights. Those two examples showed how the twin weapons of religious fundamentalism and terrorism were being used by States to pursue their political interests at the cost of rendering thousands of people homeless, or making them aliens in their own countries. The international community must call upon the responsible country to terminate those practices.

34. Mr. CHAKMA (Human Rights Internet) cautiously welcomed, on behalf of the Asia/Pacific Human Rights NGO Facilitating Team, the establishment of human rights institutions in the region, which must, however, conform to the Paris Principles. The institutions could strengthen democracy but could also be used by Governments to evade international scrutiny. The four pillars of the Paris Principles were independence through legal and operational autonomy, through financial autonomy, through transparent appointment and dismissal procedures, and through composition. Only some of the national human rights institutions being established had the essential constitutional or legislative mandate, and in many the procedures for appointment left much to be desired. In India, for example, former members of the National Human Rights Commission had been appointed as state governors, raising concern about the possibility of illegitimate government influence, and many were not empowered to investigate human rights abuses. Moreover, the mandates of many of the institutions, such as the Sri Lankan Human Rights Commission, were based on a restricted definition of human rights as interpreted by the Governments concerned. NGOs from the Asia/Pacific region were also concerned at the failure of some Governments, such as that of Nepal, to appoint members of a human rights commission once it had been established or, like that of Bangladesh, to proceed with the establishment of an institution in spite of extensive preliminary consultation. Insufficient funding of institutions was also a matter for concern, as in the case of Indonesia and India. In other cases there was unwillingness on the part of Governments to strengthen institutions. In Sri Lanka, for example, there was a plethora of weak institutions concerned with human rights; that was hardly conducive to effective protection and promotion.

35. Mr. GA-ARO (Canadian Council of Churches) said that if the causes of displacement were to be removed and human rights effectively promoted, measures must be taken and additional resources made available: to support the Organization of African Unity and of the peace-building and conflict-resolution mechanisms; to achieve cancellation of the debt of the world's poorest countries; to ensure that economic adjustment programmes respected essential economic, social, cultural, civil and political rights; to establish a legal framework and mechanism to protect and assist internally displaced people; to encourage a review by all States of their legislation governing the treatment of asylum-seekers; and to develop procedures in the Commission or Sub-Commission for proposing concrete measures to protect the human rights of uprooted people, including assistance to States in complying in the most effective way with human rights treaties in cases where several were applicable to asylum-seekers.

36. While the legislation of African and Central American countries recognized persons fleeing from civil conflicts as refugees, no such enactments existed in Europe or North America. Developed countries were increasingly ignoring the views of international human rights bodies in deporting or detaining asylum-seekers, and most of them did not fully apply all the standards of the human rights treaties they had ratified. The Commission itself often promoted only the minimum standards relating to the 1951 Geneva Convention and did not always make reference to wider treaty obligations.

37. Ms. BERMETO (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that her organization was daily confronted with the growing problem of internal displacement. In Colombia, in spite of the acceptance by the Government of all the recommendations made by the Special Representative after his 1995 visit, mass exoduses of the rural population and threats to, and displacements of, social and human rights activists had increased alarmingly. The Government had done nothing to check the despoliation of agricultural land by paramilitaries or to guarantee the ownership rights of land belonging to displaced persons. It was currently urging a return to active conflict zones without providing guarantees for the life and security of the returnees and was postponing measures for the resettlement and social integration of displaced persons unable to return to their homes. The persisting violations of human rights by paramilitary groups through the so-called "Convivir" operations were a major obstacle to efforts to rebuild peace, and many international bodies had called for their termination.

38. In Guatemala, more human remains were being exhumed every week from concealed burial places, the great majority being of peasants executed during the armed conflict. The failure of the State to cooperate more fully in the investigation of those atrocities was due to financial and logistic reasons. In the reconciliation process, the Government had also failed to cooperate satisfactorily with the Truth Commission, as requested by the Commission at its previous session, and documents which would help to clarify the situation, particularly relating to the period 1975-1985, had not been made available by the Guatemalan army. The Government had also failed to comply with the Global Human Rights Agreement for compensation of victims of human rights violations, and no serious dialogue had been established with national organizations for implementing a satisfactory programme, as provided for under the Agreement. She accordingly requested the Commission to include in its resolution on Guatemala a call to the Government to intensify its policies for the reform of the administration of justice, particularly regarding impunity, and to reaffirm the pre-eminence of the right to life and the integrity of the person.

39. Ms. GONZALEZ ORTEGA (Transnational and Trends Divisional Radical Party) said that the Taliban in Afghanistan, who had been recognized by only three States Members of the United Nations, were continuing to commit the extremely serious violations of human and political rights and humanitarian law, about which the Commission had expressed deep concern in its resolution E/CN.4/1997/65. The violations of women's and children's rights were particularly serious: they severely restricted access to basic education for girl children, access by women to health care, employment and training, and

the effective participation of women in political, economic, social and cultural life. Apart from the Commission's resolution, the international community had, however, maintained almost complete silence on those issues, and it was only thanks to the initiative of the European Union Commissioner that information on what was happening in Afghanistan had been made more generally available.

40. The Taliban case highlighted some structural and institutional limits of the United Nations system. On the one hand, there was the firm stand taken by the Organization and its Member States, while on the other, a United Nations agency, the International Drug Control Programme, had proposed a project by which the Taliban would receive a very substantial grant for poppy straw eradication - an inconsistency which brought the credibility of the United Nations into question.

41. Ten years had passed since the notorious Anfal campaign by Iraq, which led to the disappearance of 182,000 Kurds and the destruction of 4,500 of their villages. It was also 10 years since the chemical bombardment of the Kurdish city of Halabja in which 5,000 people had been killed and 10,000 wounded - a massacre for which the Iraqi regime had never expressed remorse. In addition, more than 10 million landmines had been planted in Iraqi Kurdistan and Kuwait, resulting in over 15,000 casualties. The ethnic cleansing in the oil-rich Kurdish areas was continuing and over 500,000 people had been internally displaced. Iraq was in fact responsible for more forcible disappearances than any other country: in addition to more than 600 missing Kuwaitis, 200,000 Kurds had disappeared. Although the Special Rapporteur on Iraq had repeatedly described that country's crimes as crimes against humanity, that condemnation had never been reflected in the Commission's resolutions, and that in spite of the continued refusal of permission by the Iraqi Government for the Special Rapporteur to visit the country.

42. In an age of increasing globalization, and as a means of promoting communication between individuals and institutions while preserving cultural and linguistic diversities, an international language, Esperanto, should be used in United Nations conferences, and its teaching fostered throughout the world.

43. Mr. VUTHY (International Human Rights Law Group), also speaking on behalf of Cambodian Human Rights NGOs, said that the Cambodian People's Party, having defeated the forces loyal to the first Prime Minister, Prince Norodom Ranariddh, had recently been fomenting an atmosphere prejudicial to the holding of free and fair elections. People living in the countryside were afraid to express their opinions publicly, and the Government denied opposition parties access to radio and television. It had brought no one to justice for the grenade attack of September 1995 against participants in the Congress of the Buddhist Liberal Democratic Party, in which more than 30 persons had been injured, or the grenade attack of 30 March 1997, in which 16 people had been killed and more than 100 injured, apparently with official collusion.

44. In order to create a secure atmosphere for free and fair elections, the United Nations should require that ballots be counted at the national and not regional or communal level, that security forces, especially in the provinces,

should be monitored to ensure their neutrality, and that electoral legislation, especially legislation guaranteeing freedom of expression, opinion and assembly, was respected. While he welcomed the establishment of the Council of the Magistracy and the implementing legislation for the Constitutional Council, the international community must urge the Cambodian Government to ensure that those institutions functioned as prescribed by the Constitution. The Government must also investigate all human rights violations, repeal article 51 of the 1994 law on civil servants and institute immediate investigations to bring to justice the perpetrators of gross human rights violations in the period 1975-1979. The Commission should also consider whether retaining consideration of Cambodia under an agenda item on technical assistance reflected the reality of the commitment of its Government to make constructive use of international assistance.

45. In Afghanistan, violence against women had been institutionalized; in areas under Taliban control, they were prohibited from leaving their homes for even such simple purposes as buying food, and from travelling unaccompanied. They were also forbidden to wear their traditional dress and obliged to wear the costumes prescribed by the new military rulers. As far as Afghanistan was concerned, the Commission was faced with the challenge of either witnessing a retreat from established fundamental human rights or of taking positive action, for example by setting up a field office of the High Commissioner to monitor human rights violations and provide effective protection and assistance. The office should be staffed with Afghan women so that those speaking only the local language could make contact with it freely and without fear of reprisal. As far as armed violence was concerned, it must be recognized that fighting would continue until the supply of arms to the various factions was terminated. Help by the international community for economic rehabilitation could also make a crucial contribution: violence decreased when families enjoyed economic security.

46. Mr. QADRI (World Society of Victimology) said that the Commission had not devoted sufficient attention to State-sponsored terrorism, the classic example of which was that perpetrated by the Indian colonial Power in Jammu and Kashmir. That terrorism was well documented; for example, the July 1997 analysis by Amnesty International of India's report to the Human Rights Committee mentioned particular human rights violations in that area perpetrated by armed groups acting in connivance with the Government, and there were hundreds of cases in which evidence suggested that police and security forces had been responsible for disappearances and deaths in custody. One of the victims was Jalil Andrabi, a prominent human rights activist who had been due to attend the fifty-second session of the Commission.

47. His organization was also concerned about violence against Kashmiri women and young girls who had suffered molestation, rape and torture at the hands of Indian armed and paramilitary forces and their mercenaries, some of whose sufferings had been documented by a number of Indian and other civil-rights organizations. In the light of that situation, his organization urged the Commission to extend the Special Rapporteur's mandate to include investigation of State-sponsored violence against women in occupied Jammu and Kashmir. The Commission should also consider ways and means of halting such terrorism and ensuring full enjoyment of human rights and fundamental freedoms by the Kashmiri population.

48. Mr. KAUL (Himalayan Research and Cultural Foundation) said that the number of internally displaced persons, over 30 million, indicated the scale of the human-rights challenge posed by that problem and the related problem of mass exoduses. In parts of south and central Asia a major factor was the involvement of mercenaries, terrorists and Islamic extremists.

49. He personally had witnessed in camps in Jammu and India the sufferings of 300,000 displaced people from the Kashmiri Hindu minority, some 1,500 of whom had been brutally murdered. Over 30,000 houses belonging to Kashmiri Pandits, and hundreds of their business establishments and educational, cultural and religious institutions had been destroyed with the object of obliterating all traces of their 5,000-year-old civilization. The hounding of that ethnic-religious minority by Islamic extremists had long-term implications for the composite socio-cultural character and secular society of Kashmir. Even moderate and secular Muslims who refused to subscribe to extremist, fundamentalist ideology had been forced to emigrate to safer zones in Jammu and other places in India. He urged the Commission to take serious note of such atrocious violations of human rights and seek ways of ensuring that States aiding and abetting them were held to account.

50. Mr. YOSHIDA (Asian Women's Human Rights Council), referring to the 1996 report by the Special Rapporteur on violence against women (E/CN.4/1996/53/Add.1) concerning Japanese military sexual slavery in wartime, and particularly recommendation (e) on raising awareness to such issues by amending curricula to reflect historical realities, said that as a result of pressure within Japan and from a number of Asian countries, the Japanese Government had withdrawn its ban on references in textbooks to crimes committed by the Japanese army during the Second World War. Recently, however, that change in policy had been attacked by the Japanese right wing, which claimed that the "comfort women" were professional prostitutes and that that term should, therefore, not be applied to them. Some local assemblies had also called for deletion of the term, and many politicians of the Liberal Democratic Party supported that policy. An international consensus had, however, been formed, partly as a result of the report by the Special Rapporteur, in support of the view that the Japanese Government should apologise publicly for war crimes committed by the Japanese army and compensate the victims from State funds, and that it should disclose full details of all such crimes and include an account of them in courses in schools.

51. Ms. PERVIZAT (Women's International League for Peace and Freedom) expressed regret that the report of the Special Rapporteur on violence against women had not been available in time for her organization to comment on it. She referred the Commission to the excellent work of the Expert Group Meeting on Gender-Based Persecution, which had made special recommendations on a number of points. The Office of the High Commissioner should provide training on women's human rights and gender mainstreaming for all personnel involved in United Nations missions, particularly peacekeepers. The Commission should also assign a special agenda item to a review of progress towards the full integration of women's rights into United Nations activities, with subitems on gender mainstreaming and alternative means of protecting and promoting women's rights. Particular attention should also be given to mainstreaming women's human rights in technical assistance to Governments in training armed forces,

police forces, border officers and legal personnel. The fact that the term "gender-based persecution" did not appear in legal instruments was resulting in failure to recognize that offence by courts and in claims for refugee status and asylum.

52. In adopting the statute establishing an International Criminal Court, Governments were urged to: include sexual violence explicitly in all categories of international crimes; include trafficking in women and sexual slavery in the definition of crimes against humanity; include a specific call for effective investigation and prosecution of gender crimes; establish a victims and witnesses protection unit; ensure the participation of victims and their representatives; and ensure that 50 per cent of the Court's staff at all levels were women. The Court should be made independent of the Security Council. Her organization wished to call particular attention to so-called "honour killings" carried out in all parts of the world by male family members against women or girls said to have sullied the family's honour. That abuse should be included in the Special Rapporteur's mandate.

53. Mr. GAZIOGLU (Turkey), speaking in exercise of the right of reply, said that the representative of a Government not recognized by his own Government had made accusations against Turkey on Cyprus. He therefore wished to bring to the attention of the Commission some facts which had been distorted by the Greek Cypriot representative and reflected only his side of the story. There had been no invasion or occupation of Cyprus by Turkey, as stated by the Greek Cypriot representative in an attempt to mislead those unfamiliar with the Cyprus question. If Turkey had not intervened in time in its capacity as one of the guarantor Powers in accordance with its rights and obligations under the 1960 Treaty of Guarantee following the Greek-engineered coup of 15 July 1974, it would have been impossible to avert the cession of the island to Greece. Turkey had liberated part of Cyprus for and on behalf of the Turkish Cypriot co-founder partner of the Republic of Cyprus, and the Turkish forces were present in Cyprus solely to maintain peace and stability pending the definitive solution of the Cyprus problem. Furthermore, in northern Cyprus, where the Turkish Cypriot people were living, it was not the Fourth Geneva Convention that was in force but the legislation of the Turkish Republic of Northern Cyprus enacted by its fully-fledged working organs and democratic institutions.

54. An attempt had been made to present the question of refugees and displaced persons as having arisen from events that the Greek Cypriots had undergone, but there was another side to the coin, which related the suffering of the Turkish Cypriot people, more than half of whom had had to abandon their homes under the threat of Greek Cypriot armed attackers. Some Turkish Cypriots had undergone the experience of becoming refugees three times in 17 years. After the agreement between the two sides on a bi-zonal Cyprus settlement, the question of displaced persons had been resolved by the population exchange agreement reached in talks held in Vienna from 31 July to 2 August 1975. The two sides had agreed on a voluntary regrouping of populations in their own territory - the Turkish Cypriots in the north and the Greek Cypriots in the south. That voluntary grouping of populations had been carried out under the supervision of the United Nations force in Cyprus.

55. The CHAIRMAN said that the time allowed for exercise of the right of reply had elapsed.

56. Mr. EFTYCHIOU (Observer for Cyprus), speaking in exercise of the right of reply, said that while listening to the eloquent claim by the representative of Turkey that there had been no invasion and occupation of Cyprus, he had been tempted to telephone to Cyprus and inquire whether Turkey's occupation troops had been withdrawn and the consequences of the invasion reversed. He had, however, decided to address some questions to the Turkish representative. He wished to know whether Turkey had removed its more than 35,000 heavily-armed troops from the territory of Cyprus or was contemplating doing so, whether it had taken steps to remove, or even contemplated removing, the 110,000 of its citizens that it had implanted as settlers in the occupied territory of Cyprus, whether it had taken any steps to alter, or was contemplating altering, the situation in the occupied area of Cyprus, which the Secretary-General had characterized as one of the most militarized places in the world, and whether even one of the almost 200,000 refugees forcibly evicted from their homes had been permitted to return in conditions of safety.

57. Numerous United Nations resolutions had put Turkey's invasion and occupation of Cypriot territory clearly into perspective. In that regard he wished to quote the sixth preambular paragraph of Security Council resolution 550/84, which expressed grave concern "about the further secessionist acts in the occupied part of the Republic of Cyprus, which are in violation of resolution 541/83, namely the purported 'exchange of Ambassadors' between Turkey and the legally invalid 'Turkish Republic of Northern Cyprus'". That quotation said it all. Turkey's military invasion of Cyprus could not be palmed off with nice words and legalism. The use of force was expressly forbidden by Article 2 (4) of the Charter and jus cogens in international law, and no amount of rhetorical skill could make it otherwise.

58. He reaffirmed that he was speaking as representative of the internationally-recognized sovereign Republic of Cyprus and its legitimate Government. The fact that Turkey alone in the world refused to recognize that status came as no surprise. It would be a very rare, and indeed surprising, case if an aggressor were to recognize the status of his victim.

59. Mr. MOUSSAEV (Observer for Azerbaijan), speaking in exercise of the right of reply, said that the representative of Armenia in his statement on agenda item 9 had, as usual, attempted to justify by means of groundless and cynical allegations the aggression against Azerbaijan and the crimes against humanity perpetrated by the military and civil authorities of Armenia. The forceful expulsion of Azerbaijanis from Armenia had been accompanied by flagrant discrimination against their constitutional rights and a refusal to respect their national and cultural interests. In 1988, a fresh bout of "ethnic cleansing" had begun as the culmination of a deliberate policy of destroying all trace of the very existence of Azerbaijanis in Armenia. Under instructions from, and with the blessing of, the Armenian authorities, the remaining 200,000 Azerbaijanis had been forcibly expelled from their historical homelands within the present-day Armenian State. The mass

expulsion had been accompanied by killings and maimings. In all, 216 Azerbaijanis had been cruelly killed during the "ethnic cleansing" in Armenia in 1988 and 1989.

60. During the forcible expulsion, hundreds of historical relics, testifying to the fact that Azerbaijanis had for centuries belonged on the land of what was at present Armenia, had been either destroyed or altered to give them an Armenian look. Islamic places of worship and graves in Azerbaijani cemeteries had been desecrated, and mosques and tombs damaged or broken up for use as building materials. In order to erase from history the fact that Azerbaijanis had lived in what was at present Armenia, the names of some 2,000 towns and villages had been changed. He was also obliged to note that, despite the allegations of the Armenian representative, the Government of Armenia had still made no compensation to Azerbaijani refugees from Armenia and was preventing them from returning to their historical homelands. He was confident that the Commission, which had had great experience, would not let itself be deceived by ringing statements by the representative of Armenia.

61. Mr. DOUVOS (Observer for Greece), speaking in exercise of the right of reply, said that his delegation fully endorsed the reply to the Turkish delegation made by the representative of Cyprus. He wished, however, to ask two further questions. When would Turkey implement the relevant Security Council and General Assembly resolutions? When would Turkey comply with its obligation to respect and restore the human rights and fundamental freedoms of the people of Cyprus, as called upon by successive resolutions of the Commission?

The meeting rose at 12.05 a.m.